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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/534,443	03/24/2000	Jeffrey L. Johanning	ADV-B-291	3408

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EXAMINER

PATEL, ASHOK

ART UNIT PAPER NUMBER

2879

DATE MAILED: 02/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/534,443

Applicant(s)

JOHANNING, JEFFREY L.

Examiner

Ashok Patel

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 November 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 31-40, 71, 72 and 87-91 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 31-33, 38 and 87-90 is/are rejected.
- 7) ☒ Claim(s) 34-37, 39, 40, 71, 72 and 91 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 042204.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

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1. Applicant's arguments filed 11/18/2005 have been fully considered but they are not persuasive.

2. Claim 37 is objected to because of the following minor informalities: at line 2, the term "and end" should be corrected to --an end--. Appropriate correction is required.

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 31-33, 38 and 87-90 are rejected under 35 U.S.C. 102(e) as being anticipated by Brown et al (USPN 6,188,164, of record).

As to claims 31 and 32, Brown et al disclose applicant's claimed mounting structure (Figures 1-3) including: an elongated frame (14) supported at one end by a stem assembly (bottom part of the frame), the elongated frame (14) including a stem clamp (11)

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supported by a stem (10) and including one or more frame retaining tabs (element 11a, 11b, 11c or 11d) crimped around a (lower) portion the frame (14).

As to claim 33, Brown et al disclose the frame including a wire (14) forming an end portion (bottom portion) and two substantially parallel legs extending in substantially the same direction from the end portion.

As to claim 38, Brown et al disclose the stem clamp including a generally tubular member having a pair of frame retaining tabs, each of the tabs forming an opening (a vertical elongated opening).

As to claim 87, as discussed earlier in the rejection of claim 31, Brown et al disclose the structure shown in Figures 1-3 including the elongated frame with no weld between the frame and any other component in the structure.

As to claim 88, since language of claim 88 is very much similar to that of claim 87, claim 88 is rejected for reasons set forth in the rejection of claim 87. Brown et al disclose the structure shown in Figures 1-3 including the elongated frame and the stem clamp, wherein there is no weld between the elongated frame and the stem clamp.

As to claims 89 and 90, the frame retaining tabs (element 11a, 11b, 11c or 11d) include (a vertical) slot for (axially) receiving (an end/bottom) portion of the frame (14).

5. Claims 34-37, 39-40, 71, 72, and 91 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 39, 40 and 72 are allowable over prior art of the record for reasons set forth in the previous office action (mailed on 05/19/2005).

As to claims 34-36, prior art of the record does not disclose applicant's claimed structure for mounting an arc tube of base claims 31 and 32, further including a generally tubular member having two pair of frame retaining tabs, each pair of tabs being positioned opposite the other about the curved surface of the stem clamp, each of the tabs forming an opening adapted to receive a portion of the frame therethrough.

As to claim 37, prior art of the record does not disclose applicant's claimed structure for mounting an arc tube of base claims 31 and 32, wherein the frame includes a wire forming an end portion and a leg extending from the end portion, the leg includes a swaged portion adjacent its terminal end.

As to claims 39-40, prior art of the record does not disclose applicant's claimed structure for mounting an arc tube of base

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claims 31, 32 and 38, wherein one of the tabs forms an aperture and the other of the tabs forms a slot.

As to claims 71-72, prior art of the record does not disclose applicant's claimed structure for mounting an arc tube of base claims 31, including a heat shield structure as specifically recited in now amended claim 71.

As to claim 91, prior art of the record does not disclose applicant's claimed structure for mounting an arc tube of base claims 31 and 32, wherein the stem clamp includes a curved portion and two pair of frame retaining tabs extending radially outward from the curved surface, each of the tabs forming a slot for receiving a portion of the frame therein.

6. The Examiner replies to applicant's arguments filed on 11/18/2005 as follows:

Applicant argues at pages 6-9 that claim 31, 87 and 88 are not anticipated by Brown et al prior art reference and therefore the rejection must be withdrawn.

This is not found persuasive. It is the position of the Examiner that Brown et al anticipate applicant's claims 31, 87 and 88. The Examiner interprets applicant's claimed language in its broadest possible reasonable manner.

Applicant argues (in his arguments at page 7, first paragraph) that Brown et al disclose a welding preferably. It is to be noted that applicant's claim 31 does not recite a non-welding feature. Therefore, applicant's arguments relating to the non-welding feature with respect to claim 31 (and all claims that depend upon claim 31) are moot. Arguments must be related to the claimed features.

Applicant argues that Brown et al do not disclose or imply the frame retaining tabs supporting the frame. As mentioned in this office action and in previous office action, the Examiner considers elements 11a, 11b, 11c or 11d of Brown et al reference as the frame retaining tabs, which are crimped around a portion of the frame as recited in claim 31.

As mentioned earlier in the rejection of claims 87 and 88, Brown et al's lamp **prefers** weld, which broadly and reasonably means that Brown et al's lamp does not necessarily require the welding.

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of

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the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ashok Patel whose telephone number is 571-272-2456. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nimesh Patel can be reached on 571-272-2457. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

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For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Ashok Patel
Primary Examiner
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